

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHELLE A. ENGEL,

Plaintiff,

v.

Case No. 17-cv-572-pp

COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,

Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS (DKT. NO. 25)
AND DISMISSING CASE**

The court had scheduled a September 17, 2019 hearing on the plaintiff's appeal from the defendant's decision denying her application for benefits. On August 15, 2019, the plaintiff filed a motion to dismiss her case. Dkt. No. 25. The plaintiff explained that she thought her appeal had been denied, and that she had opened a new case with the assistance of counsel. Id. The plaintiff expressed her desire to pursue her claim in the new case. Id. The defendant does not oppose the motion, but asks that the case be dismissed with prejudice. Dkt. No. 26.

Rule 41(a)(2) provides that a court may dismiss the action on the plaintiff's request, but, unless otherwise stated, the dismissal is without prejudice. While the plaintiff indicates that counsel will assist her with her new case, it is not clear whether she has consulted with counsel in connection with her motion.

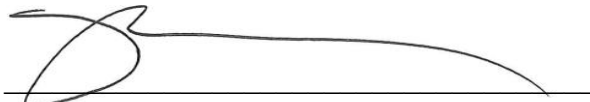
The court **GRANTS** the plaintiff's motion to dismiss. Dkt. No. 25.

The court **ORDERS** that this case is **DISMISSED without prejudice** and will enter judgment accordingly.

The court **ORDERS** that the hearing scheduled for September 17, 2019 is **REMOVED** from the court's calendar.

Dated in Milwaukee, Wisconsin this 22nd day of August, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge